

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2228

AN ACT

AMENDING SECTIONS 23-475 AND 23-485, ARIZONA REVISED STATUTES; RELATING TO SPECIAL BOILER INSPECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 23-475, Arizona Revised Statutes, is amended to
3 read:

4 23-475. Duties of division

5 The division shall:

6 1. ~~Except ACTING THROUGH ITS AGENTS OR EMPLOYEES, OR~~ as provided in
7 section 23-485, inspect boilers and lined hot water storage heaters under
8 this article.

9 2. Recommend standards, regulations and amendments to such standards
10 and regulations to the commission for approval or disapproval.

11 3. Enforce, under section 23-478, all standards and regulations
12 adopted by the commission.

13 Sec. 2. Section 23-485, Arizona Revised Statutes, is amended to read:

14 23-485. Special inspectors

15 A. The division, upon the request of any company authorized to insure
16 against loss from explosion of boilers or lined hot water storage heaters in
17 this state, may issue to any inspector of that company a certificate as a
18 special inspector. The division may also, upon the request of any company
19 operating boilers or lined hot water storage heaters in this state, issue to
20 any inspector of the company a certificate as a special inspector. Before
21 receiving a certificate, the inspector must satisfactorily pass a written
22 examination given by the division.

23 B. A certificate as a special inspector in this state shall be issued,
24 in lieu of such examination, if the inspector holds a certificate of
25 competency as an inspector of boilers or lined hot water storage heaters for
26 a state that has a standard of examination substantially equal to that of
27 this state or a commission as an inspector of boilers and pressure vessels
28 issued by the national board of boiler and pressure vessel inspectors.

29 C. A certificate as a special inspector for a company operating
30 boilers or lined hot water storage heaters in this state shall be issued only
31 if, in addition to meeting the requirements of this section, the inspector is
32 employed full time by such company and the inspector's duties include making
33 inspections of boilers or lined hot water storage heaters to be used by such
34 company and not for resale.

35 D. Each company employing such special inspectors, within sixty days
36 following each boiler certificate inspection made by the inspectors, shall
37 file a report of the inspection with the division upon appropriate
38 forms. Reports of external inspections shall not be required except when
39 such inspections disclose that the boiler or lined hot water storage heater
40 is in a dangerous condition.

41 E. All insurance companies shall notify the division of all boilers or
42 lined hot water storage heaters upon which insurance is written. All
43 insurance companies shall also notify the division of all boilers or hot
44 water storage heaters upon which insurance is cancelled, not renewed or
45 suspended because of unsafe conditions.

1 F. THE FURNISHING OF BOILER CERTIFICATE INSPECTIONS IN CONNECTION WITH
2 OR INCIDENTAL TO THE ISSUANCE OR RENEWAL OF BOILER AND MACHINERY INSURANCE
3 SHALL NOT SUBJECT AN INSURER, WHETHER DOMESTIC OR FOREIGN, ITS AGENTS OR
4 EMPLOYEES TO LIABILITY FOR DAMAGES FOR ANY ACT OR OMISSION IN THE COURSE OF
5 PERFORMING INSPECTIONS AS PROVIDED BY THIS SECTION. THIS SECTION SHALL NOT
6 APPLY IN THE EVENT THE GROSS NEGLIGENCE OF THE INSURER, ITS AGENT OR EMPLOYEE
7 CREATED THE CONDITION THAT WAS THE PROXIMATE CAUSE OF INJURY, DEATH OR LOSS.